

OPEN MEETING ITEM

Commissioners

Lea Márquez Peterson– Chairwoman
Sandra D. Kennedy
Justin Olson
Anna Tovar
Jim O'Connor



Matthew J. Neubert
Executive Director

ARIZONA CORPORATION COMMISSION

DATE: DECEMBER 20, 2021

DOCKET NO.: E-01345A-19-0236

TO ALL PARTIES:

Enclosed please find the recommendation of Assistant Chief Administrative Law Judge Sarah N. Harpring. The recommendation has been filed in the form of a Conforming Order on:

ARIZONA PUBLIC SERVICE COMPANY
(ORDER REVISING DECISION NO. 78317 PURSUANT TO A.R.S. § 40-252)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by efilng at <https://efiling.azcc.gov/> or filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

DECEMBER 30, 2021

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

JANUARY 11 AND 12, 2022

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

A handwritten signature in black ink, appearing to read "Matthew J. Neubert", is written over a horizontal line.

MATTHEW J. NEUBERT
EXECUTIVE DIRECTOR

On this 20th day of December, 2021, the following document was filed with Docket Control as a Recommended Order from the Hearing Division, and copies of the document were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the filed document to the following who have consented to email service.

Melissa M. Krueger
Thomas L. Mumaw
Theresa Dwyer
PINNACLE WEST CAPITAL
CORPORATION
400 North 5th Street, MS 8695
Phoenix, AZ 85004
Attorney for Arizona Public Service
Company
Melissa.Krueger@pinnaclewest.com
Thomas.Mumaw@pinnaclewest.com
Theresa.Dwyer@pinnaclewest.com
Andrew.Schroeder@aps.com
Leland.Snook@aps.com
Rodney.Ross@aps.com
ratecase@aps.com
Consented to Service by Email

Richard Gayer
526 W. Wilshire Drive
Phoenix, AZ 85003
rgayer@cox.net
Consented to Service by Email

Patrick J. Black
Lauren A. Ferrigni
FENNEMORE CRAIG, P.C.
2394 E. Camelback Road, Suite 600
Phoenix, AZ 85016
Attorneys for Freeport Minerals Corporation
and Arizonans for Electric Choice and
Competition
pblack@fclaw.com
lferrigni@fclaw.com
khiggins@energystrat.com
Consented to Service by Email

Kurt J. Boehm
Jody Kyler Cohn
BOEHM, KURTZ & LOWRY
36 E. Seventh Street, Suite 1510
Cincinnati, OH 45202
Attorneys for The Kroger Co.
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com
Consented to Service by Email

Adam L. Stafford
P.O. Box 30497
Phoenix, AZ 85046
Attorney for Western Resource Advocates
Adam.Stafford@westernresources.org
Steve.Michel@westernresources.org
Stacy@westernresources.org
Autumn.Johnson@westernresources.org
Consented to Service by Email

Daniel W. Pozefsky
RUCO
1110 W. Washington Street, Suite 220
Phoenix, AZ 85007
dpozefsky@azruco.gov
procedural@azruco.gov
lwoodall@azruco.gov
rdela Fuente@azruco.gov
Consented to Service by Email

Timothy M. Hogan
Jennifer B. Anderson
ARIZONA CENTER FOR LAW IN THE
PUBLIC INTEREST
352 E. Camelback Rd., Suite 200
Phoenix, AZ 85012

Attorneys for Southwest Energy Efficiency
Project, Wildfire, Solar Energy Industries
Association, Arizona Solar Energy Industries
Association, Arizona School Boards
Association, Arizona Association of School
Business Officials, Sierra Club, San Juan
Citizens Alliance, Tó Nizhoní Ání; and Diné
CARE

thogan@aclpi.org

janderson@aclpi.org

ezuckerman@swenergy.org

cpotter@swenergy.org

sbatten@aclpi.org

czwick@wildfireaz.org

briana@votesolar.org

louisa.eberle@sierraclub.org

rose.monahan@sierraclub.org

sandy.bahr@sierraclub.org

miriam.raffel-smith@sierraclub.org

mark@sanjuancitizens.org

mike@sanjuancitizens.org

carol.davis@dine-care.org

adella.begaye@dine-care.org

lori.goodman@dine-care.org

robyn.jackson@dine-care.org

nhorseherder@gmail.com

Consented to Service by Email

Timothy M. Hogan
ARIZONA CENTER FOR LAW IN THE
PUBLIC INTEREST
352 E. Camelback Rd., Suite 200
Phoenix, AZ 85012

and

Marta Darby
EARTHJUSTICE
633 17th Street, Suite 1600
Denver, CO 80202

and

David Bender
EARTHJUSTICE
1001 G Street, NW, Suite 1000
Washington, D.C. 20001

Attorneys for Vote Solar
mdarby@earthjustice.org

thogan@aclpi.org

briana@votesolar.org

dbender@earthjustice.org

Consented to Service by Email

Bob Miller
Ralph Johnson
Property Owners and Residents
Association of Sun City West
13815 W. Camino del Sol
Sun City West, AZ 85375
bob.miller@porascw.org
rdjscw@gmail.com

Consented to Service by Email

Greg Patterson
MUNGER CHADWICK
5511 S. Jolly Roger Road
Tempe, AZ 85283
Attorney for Arizona Competitive Power
Alliance
greg@azcpa.org

Consented to Service by Email

Court Rich
Eric Hill
ROSE LAW GROUP PC
7144 E. Stetson Drive, Suite 300
Scottsdale, AZ 85251
Attorneys for Solar Energy Industries
Association; Arizona Solar Energy Industries
Association; Tesla, Inc.; and EVgo Services
LLC
CRich@RoseLawGroup.com
ehill@roselawgroup.com
hslaughter@roselawgroup.com
Consented to Service by Email

Nicholas J. Enoch
LUBIN & ENOCH, P.C.
349 N. Fourth Avenue
Phoenix, AZ 85003
Attorney for Local Unions 387 and 769 of the
International Brotherhood of Electrical
Workers, AFL-CIO
nick@lubinandenoch.com
bruce@lubinandenoch.com
clara@lubinandenoch.com
Consented to Service by Email

Jason Y. Moyes
MOYES SELLERS & HENDRICKS LTD.
1850 N. Central Avenue, Suite 1100
Phoenix, AZ 85004
Attorney for Aguila Irrigation District,
Buckeye Water Conservation and Drainage
District, Electrical District Number Six of
Pinal County, Electrical District Number
Seven of Maricopa County, Electrical
District Number Eight of Maricopa County,
Harquahala Valley Power District, Maricopa
County Municipal Water Conservation
District Number One, McMullen Valley
Water Conservation & Drainage District, and
Tonopah Irrigation District
jasonmoyes@law-msh.com
jjw@krsaline.com
jim@harcuvar.com
Consented to Service by Email

Shelly A. Kaner
8831 W. Athens St.
Peoria, AZ 85382

Jonathan Jones
14324 N. 160th Drive
Surprise, AZ 85379
jones.2792@gmail.com
Consented to Service by Email

Karen S. White
AFIMSC/JAQ
139 Barnes Ave.
Tyndall AFB, FL 32403
and
Holly L. Buchanan
139 Barnes Dr., Suite 1
Tyndall AFB, FL 32403-5317
Attorneys for Federal Executive Agencies
Karen.White.13@us.af.mil
Holly.buchanan.1@us.af.mil
Consented to Service by Email

John S. Thornton
8008 N. Invergordon Rd.
Paradise Valley, AZ 85253
john@thorntonfinancial.org
Consented to Service by Email

Scott S. Wakefield
HIENTON CURRY, P.L.L.C.
5045 N. 12th St., Suite 110
Phoenix, AZ 85014
Attorneys for Walmart, Inc.
swakefield@hclawgroup.com
stephen.chriss@walmart.com
Consented to Service by Email

Kimberly A. Dutcher
NAVAJO NATION DEPARTMENT OF
JUSTICE
P.O. Box 2010
Window Rock, AZ 86515
and
Todd F. Kimbrough, Esq
HOLLAND & KNIGHT, LL
111 Congress Ave., Suite 540
Austin, TX 78701
Attorneys for the Navajo Nation
kdutcher@nndoj.org
aquinn@nndoj.org
todd.kimbrough@hklaw.com
Consented to Service by Email

Jason R. Mullis
WOOD SMITH BENNING & BERMAN
LLP
2525 E. Camelback Rd., Suite 450
Phoenix, AZ 85016-4210

and

Gregory M. Adams
RICHARDSON ADAMS, PLLC
515 N. 27th St.
Boise, ID 83702
Attorneys for Calpine Energy Solutions, LLC
JMullis@wshblaw.com

greg@richardsonadams.com

greg.bass@calpinesolutions.com

Consented to Service by Email

Albert Acken
DICKINSON WRIGHT PLLC
1850 N. Central Ave., Suite 1400
Phoenix, AZ 85004
Attorneys for Constellation New Energy, Inc.
and Direct Energy Business, LLC
aacken@dickinson-wright.com

Consented to Service by Email

Giancarlo Estrada
KAMPER ESTRADA, LLP
3030 N. 3rd St., Suite 770
Phoenix, AZ 85012

and

Scott F. Dunbar
KEYES & FOX, LLP
1580 Lincoln, Ste. 880
Denver, CO 80203
Attorneys for ChargePoint, Inc.
gestrada@phxlaw.com
sdunbar@keyesfox.com

Consented to Service by Email

Garry D. Hays
LAW OFFICES OF GARRY D. HAYS, P.C.
2198 E. Camelback Road, Suite 230
Phoenix, AZ 85016
Attorney for Arizona Solar Deployment
Alliance
Ghays@lawgdh.com

Consented to Service by Email

Armando Nava
THE NAVA LAW FIRM, PLLC
1641 E. Osborn Rd., #8
Phoenix, AZ 85016

and

John B. Coffman
JOHN B. COFFMAN LLC
871 Tuxedo Blvd.
St. Louis, MO 63119
Attorneys for AARP
Filings@navalawaz.com
john@johncoffman.net

Consented to Service by Email

Thomas A. Harris
Distributed Energy Resource Association
5215 E. Orchid Lane
Paradise Valley, AZ 85253
Thomas.Harris@DERA-AZ.org

Consented to Service by Email

Melissa A. Parham
Scott A. Baluha
ZONA LAW GROUP P.C.
7701 E. Indian School Road, Suite J
Scottsdale, AZ 85251
Attorneys for Manufactured Housing
Communities of Arizona, Inc.
melissa@zona.law
scottb@zona.law
attorneys@zona.law


Consented to Service by Email

Fred Lomayesva
Amy Mignella
Office of General Counsel
HOPI TRIBE
P.O. Box 123
Kykotsmovi, AZ 86039
flomayesva@hopi.nsn.us
amignella@hopi.nsn.us

Consented to Email Service

Robin Mitchell, Director
Legal Division
ARIZONA CORPORATION
COMMISSION
1200 West Washington Street
Phoenix, AZ 85007
LegalDiv@azcc.gov
utildivservicebyemail@azcc.gov
Consented to Service by Email

By:


Grace Beltran
Assistant to Sarah N. Harpring

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 LEA MÁRQUEZ PETERSON– CHAIRWOMAN
4 SANDRA D. KENNEDY
5 JUSTIN OLSON
6 ANNA TOVAR
7 JIM O’CONNOR

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY FOR A
10 HEARING TO DETERMINE THE FAIR VALUE OF
11 THE UTILITY PROPERTY OF THE COMPANY
12 FOR RATEMAKING PURPOSES, TO FIX A JUST
13 AND REASONABLE RATE OF RETURN
14 THEREON, TO APPROVE RATE SCHEDULES
15 DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-19-0236

DECISION NO. _____

ORDER Revising
Decision No. 78317
Pursuant to A.R.S. § 40-252

11 Open Meeting
12 January 11 and 12, 2022
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 * * * * *

16 Having considered the entire record herein and being fully advised in the premises, the Arizona
17 Corporation Commission (“Commission”) finds, concludes, and orders that:

18 **FINDINGS OF FACT**

19 1. On November 9, 2021, the Commission issued Decision No. 78317 in this docket,
20 adopting new rates and charges and terms and conditions of service for Arizona Public Service
21 Company (“APS”).

22 2. Decision No. 78317 orders “that APS shall revise its tariffs by changing its on-peak
23 TOU period to 4 p.m. to 7 p.m.” and, further, “that the rates and charges and terms and conditions of
24 service approved [in the Decision] shall become effective for all service rendered on and after
25 December 1, 2021.” The Decision also ordered APS to file revised rate plan tariffs/plans of
26 administration consistent with the resolutions reached in the Decision by November 30, 2021.

27 3. On November 30, 2021, APS filed its revised rate schedules, service schedules, and
28 plans of administration, with all rates effective for service on and after December 1, 2021. APS noted
“special circumstances” for, *inter alia*, Rate Schedule R-3 Revision 2 (Time-of-Use 4pm to 7pm

1 Weekdays with Demand Charge) and Rate Schedule TOU-E Revision 2 (Time-of-Use 4pm to 7pm
2 Weekdays), about which APS stated the following:

3 These rate schedules are marked as "Pending" in this compliance filing. As
4 discussed by APS in Open Meeting, these schedules will become effective
5 as soon as the required billing system updates and individual metering
6 changes are complete. At that time, APS will notify the Commission and
7 will file a final version of these schedules.

8 In its filing, APS included as active schedules Rate Schedule R-3 Revision 1 (Time-of-Use 3pm to 8pm
9 Weekdays with Demand Charge) and Rate Schedule TOU-E Revision 1 (Time-of-Use 3pm to 8pm
10 Weekdays).

11 4. On December 3, 2021, APS filed a letter stating that the new rates and charges had been
12 implemented as ordered. APS further stated that the Decision requires APS to notify its customers of
13 the new rates and charges in its customer bills and on its website in a form acceptable to the
14 Commission's Utilities Division ("Staff"), but that Staff had not approved the customer notifications
15 APS had provided to Staff for review "because the Decision does not acknowledge that the change in
16 residential Time-of-Use (TOU) hours will be implemented in ten months." APS further stated:

17 APS has been moving forward with implementation of the Decision
18 consistent with the understanding that the Commission is aware that new
19 residential TOU hours could not be completed by December 1, 2021, but
20 will be completed within approximately 10 months. While the Decision
21 does not expressly acknowledge this necessary extension of time to
22 implement the new TOU hours, the Company notified the Commission of
23 the time required to update billing systems and reprogram meters to
24 accommodate this change both in writing and during Open Meeting
25 discussions.

26 Chairwoman Márquez Peterson filed her letter of September 13, 2021
27 requesting information and analysis regarding a move to a 4 p.m. to 7 p.m.
28 on-peak period for residential customers. APS responded that
implementation of this change would be a lengthy, far-reaching effort and
that new TOU hours would require about ten months to fully implement. In
APS's response to the Chairwoman's request, APS noted that "[t]his
process will cost about \$5.2 million and take about ten months post-
Decision to implement."¹ Additionally, throughout discussions on this
topic in Open Meeting, APS continued to highlight that implementation of
new TOU hours would not be feasible immediately and, instead, would take
about ten months to implement.²

¹ <https://docket.images.azcc.gov/E000015845.pdf?i=1638562420096>

² In the Special Open Meeting on October 5, 2021, Mr. Guldner explained that a change in TOU hours would require "about 10 months after a decision for us to get the rate design changed, to get the programming in place, to begin pushing out the meters, and then to work on the customer outreach to make sure they are aware of the change that we would be making." In the Open Meeting on October 27, 2021, Ms. Lockwood noted again, "I did want to remind the Commissioners that any change to the time of use hours is going to take us approximately 10 months to implement. So I just wanted to

1 make sure that was clear." In the Open Meeting on November 2, 2021, Ms. Lockwood again
2 discussed implementation of TOU hours: "[T]he new time of use rates will not be able to go into
3 effect for approximately 10 months in total, and that's because we do have to do system programming
and metering programming. The rate decrease, the change to the rate, will go into effect on the
effective date of the order. And we had requested that be at least 21 days, so we're looking at the first
billing cycle or December 1st. So that will go into effect, but the new time of use rates and that rate
-- the customers will not be transitioned to that until approximately 10 months."

4 In the letter, APS further related that Rate Schedule R-3 Revision 2 and Rate Schedule TOU-E Revision
5 2 had been filed with the designation "Pending" and included this language: "Upon the completion of
6 the required billing system updates and individual customer metering changes, customers will be served
7 under this new rate schedule with on-peak hours of 4 p.m. to 7 p.m." In the letter, APS added that it
8 expected to begin transitioning customers to the Pending R-3 and TOU-E Rate Schedules
9 approximately 7 months after the Decision and to complete the transition within 10 months.

10 5. On December 6, 2021, Staff filed a Memorandum stating that Decision No. 78317
11 indicates that the on-peak TOU period is 4 p.m. to 7 p.m. weekdays and that Staff could not sign off
12 on APS's proposed Customer Notice because the Notice indicates the on-peak TOU period is 3 p.m. to
13 8 p.m. Staff attached pertinent examples of APS's proposed Customer Notice.

14 6. On December 7, 2021, APS filed a letter reiterating that it will take APS up to 10 months
15 to implement the new TOU hours required by Decision No. 78317. APS also stated that the rate plan
16 names approved in the Decision reflect the current TOU hours rather than the newly approved TOU
17 hours.¹ APS stated that it believed the Commission intended for the rate names to be updated for the
18 new TOU hours as customers are transitioned to the new hours "over a three-month time period," that
19 APS is not currently able to issue rate names or customer communications with the new TOU hours
20 because they are not yet effective, that customers would be misled and potentially adversely impacted
21 by customer communications including the new TOU hours, that the rate comparison tool and pro
22 forma billing will not be available during the transition period and until customers can accumulate three
23 months of historical data on the new TOU hours, and that APS seeks to confirm that its approach
24 complies with the intent of Decision No. 78317 and requests that the Commission notify APS as soon
25 as possible if APS's described actions conflict with the intent of the Decision.

26
27 ¹ The 3 p.m. to 8 p.m. on-peak TOU period was included in the tables for the new rate plan names approved in Decision
28 No. 78317 due to a mistake in making conforming changes for an amendment and is being corrected in an Order Nunc Pro
Tunc. The Recommended Order Nunc Pro Tunc to make the correction was filed in this docket on December 17, 2021.

1 7. On December 15, 2021, APS filed a four-page letter describing the various notifications
2 being provided to customers through several different methods (bill inserts, emails, mailed letters, and
3 on-bill messages) and on the APS website concerning the impacts of Decision No. 78317. APS also
4 provided an update concerning development of its Customer Education & Outreach Plan and reiterated
5 that its online rate comparison tool and on-bill pro forma billing will not be available for “a minimum
6 of 10 months to implement the necessary changes and allow the system to accumulate an additional
7 three-month period . . . [of] customer-specific energy-use data under the new structural rate design.”
8 APS included a 46-page attachment comprised of notification documents and website content.

9 8. At its Open Meeting on December 16, 2021, the Commission considered as an agenda
10 item APS’s December 7, 2021, letter concerning the implementation of the new on-peak TOU period
11 required in Decision No. 78317. The Commission allowed APS to present information, extensively
12 discussed the specific circumstances with APS, allowed Western Resource Advocates (a party to this
13 docket) to provide its input, allowed Staff to provide its input, and received public comment on the
14 issue from several non-parties. During the discussions, the Chairwoman noted that Exhibit APS-55,
15 admitted in the rate hearing, stated that reprogramming meters for new TOU hours would require a 3-
16 4 month transition period. In response, APS stated that the exhibit referred to only a portion of the
17 comprehensive plan that will take 10 months to execute. After the public comment, the Commission
18 voted to hold an executive session to receive legal advice. Upon its return from the executive session,
19 the Commission directed the Hearing Division² to create a conforming order for consideration at the
20 January 2022 Open Meeting to: (1) allow APS until April 1, 2022, to comply with the new TOU period
21 requirement; (2) require APS to provide refunds to each customer overpaying between December 1,
22 2021, and April 1, 2022, because of the delay in implementing the new TOU period; and (3) require
23 APS to file a refund plan. Additionally, the Commission directed Staff to research a claim included in
24 a letter filed regarding APS’s information technology operations and, if appropriate, to engage in a
25 formal investigation.

26 9. Although APS has asserted during Open Meetings that it will take a total of
27

28 ² Although the Chairwoman directed “Staff” to prepare the conforming order, the Hearing Division understood the directive to be made to the Hearing Division.

1 approximately 10 months from the effective date of Decision No. 78317 (November 9, 2021) to
2 transition to the new TOU hours approved therein, the evidence of record presented by APS, in
3 pertinent part, stated the following:

- 4 • APS's rate comparison tool and pro forma billing feature would have to
5 be taken offline for at least 3 months, and preferably closer to 12
6 months, to allow actual customer usage to accumulate.
- 7 • Reprogramming meters would require a 3- to 4-month transition period
8 to the new time-of-use hours.³

9 10. Based on the record in this matter, the Commission determines that it is just and
10 reasonable and in the public interest to allow APS until April 1, 2022, to complete its implementation
11 of the new TOU hours required by Decision No. 78317. This provides APS a period of 143 days, or
12 nearly five months, from the effective date of Decision No. 78317 to accomplish this transition.

13 11. Additionally, although APS represented in Open Meeting that the rate designs for R-3
14 and TOU-E are revenue neutral on a class level, the Commission is concerned that individual customers
15 served under the R-3 and TOU-E rate plans may be required to pay more between the effective date of
16 the new rates and charges approved in Decision No. 78317 and April 1, 2022. Thus, the Commission
17 determines that it is just and reasonable and in the public interest to require APS to calculate the bills
18 for R-3 and TOU-E customers for usage between December 1, 2021, and March 31, 2022, using the
19 new on-peak TOU period of 4 p.m. to 7 p.m., and to provide to each R-3 and TOU-E customer who
20 was billed more under the 3 p.m. to 8 p.m. on-peak TOU period than would have been billed under the
21 new TOU period a refund for the full amount of the overbilling plus interest.

22 12. Further, because the Commission desires to ensure that the refunds are completed in a
23 manner that best serves the public interest, the Commission concludes that it is necessary and
24 appropriate to require APS to collaborate with Staff in establishing a refund plan and to require APS
25 to file the refund plan resulting from this collaboration no later than February 25, 2022, for Commission
26 consideration and approval.

27 ...

28 ...

³ Ex. APS-55 at 2.

CONCLUSIONS OF LAW

1
2 1. APS is an Arizona public service corporation within the meaning of Article XV, § 2 of
3 the Arizona Constitution.

4 2. The Commission has jurisdiction over APS, over the subject matter of this docket, and
5 over the issues raised and resolved in Decision No. 78317.

6 3. Under A.R.S. § 40-252, the Commission has the authority at any time, upon notice to
7 the corporation affected and after an opportunity to be heard as upon a complaint, to rescind, alter, or
8 amend any order or decision made by it.

9 4. It is just and reasonable and in the public interest for the Commission to modify
10 Decision No. 78317 as described in Findings of Fact Nos. 10 through 12.

ORDER

11
12 IT IS THEREFORE ORDERED that Decision No. 78317 is modified as follows:

- 13 • APS shall, by April 1, 2022, complete its implementation of the new TOU hours required by
14 Decision No. 78317.
- 15 • APS shall calculate the bills for R-3 and TOU-E customers for usage between December 1,
16 2021, and March 31, 2022, using the new on-peak TOU period of 4 p.m. to 7 p.m., and shall
17 provide to each R-3 and TOU-E customer who was billed more under the 3 p.m. to 8 p.m. on-
18 peak TOU period than would have been billed under the new TOU period a refund for the full
19 amount of the overbilling plus interest at a rate of 6% annually, pursuant to a refund plan
20 approved by the Commission.
- 21 • APS shall collaborate with Staff in establishing a refund plan and shall, by February 25, 2022,
22 file in this docket the refund plan resulting from this collaboration, for Commission
23 consideration and approval.

1 IT IS FURTHER ORDERED that all other provisions of Decision No. 78317 shall remain in
2 full force and effect.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
5
6

7 CHAIRWOMAN MARQUEZ PETERSON

COMMISSIONER KENNEDY

9 COMMISSIONER OLSON

COMMISSIONER TOVAR

COMMISSIONER O'CONNOR
10

11 IN WITNESS WHEREOF, I, MATTHEW J. NEUBERT,
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this _____ day of _____ 2022.

16 MATTHEW J. NEUBERT
17 EXECUTIVE DIRECTOR

18 DISSENT _____

19
20 DISSENT _____
21 SNH/gb
22
23
24
25
26
27
28

SERVICE LIST FOR:

ARIZONA PUBLIC SERVICE COMPANY

DOCKET NO.:

E-01345A-19-0236

Melissa M. Krueger
Thomas L. Mumaw
Theresa Dwyer
PINNACLE WEST CAPITAL
CORPORATION
400 North 5th Street, MS 8695
Phoenix, AZ 85004
Attorney for Arizona Public Service Company

Melissa.Krueger@pinnaclewest.com
Thomas.Mumaw@pinnaclewest.com
Theresa.Dwyer@pinnaclewest.com
Andrew.Schroeder@aps.com
Leland.Snook@aps.com
Rodney.Ross@aps.com
ratecase@aps.com

Consented to Service by Email

Richard Gayer
526 W. Wilshire Drive
Phoenix, AZ 85003
rgayer@cox.net

Consented to Service by Email

Patrick J. Black
Lauren A. Ferrigni
FENNEMORE CRAIG, P.C.
2394 E. Camelback Road, Suite 600
Phoenix, AZ 85016
Attorneys for Freeport Minerals Corporation
and Arizonans for Electric Choice and
Competition

pblack@fclaw.com
lferrigni@fclaw.com
khiggins@energystrat.com

Consented to Service by Email

Kurt J. Boehm
Jody Kyler Cohn
BOEHM, KURTZ & LOWRY
36 E. Seventh Street, Suite 1510
Cincinnati, OH 45202
Attorneys for The Kroger Co.

kboehm@BKLLawfirm.com
jkylercohn@BKLLawfirm.com

Consented to Service by Email

Adam L. Stafford
P.O. Box 30497
Phoenix, AZ 85046
Attorney for Western Resource Advocates
Adam.Stafford@westernresources.org
Steve.Michel@westernresources.org
Stacy@westernresources.org
Autumn.Johnson@westernresources.org
Consented to Service by Email

Daniel W. Pozefsky
RUCO
1110 W. Washington Street, Suite 220
Phoenix, AZ 85007
dpozefsky@azruco.gov
procedural@azruco.gov
lwoodall@azruco.gov
rdelafuente@azruco.gov

Consented to Service by Email

Timothy M. Hogan
 Jennifer B. Anderson
 ARIZONA CENTER FOR LAW IN THE
 PUBLIC INTEREST
 352 E. Camelback Rd., Suite 200
 Phoenix, AZ 85012
 Attorneys for Southwest Energy Efficiency
 Project, Wildfire, Solar Energy Industries
 Association, Arizona Solar Energy Industries
 Association, Arizona School Boards
 Association, Arizona Association of School
 Business Officials, Sierra Club, San Juan
 Citizens Alliance, Tó Nizhoní Ánít; and Diné
 CARE
thogan@aclpi.org
janderson@aclpi.org
ezuckerman@swenergy.org
cpotter@swenergy.org
sbatten@aclpi.org
czwick@wildfireaz.org
briana@votesolar.org
louisa.eberle@sierraclub.org
rose.monahan@sierraclub.org
sandy.bahr@sierraclub.org
miriam.raffel-smith@sierraclub.org
mark@sanjuancitizens.org
mike@sanjuancitizens.org
carol.davis@dine-care.org
adella.begaye@dine-care.org
lori.goodman@dine-care.org
robyn.jackson@dine-care.org
nhorscherder@gmail.com
Consented to Service by Email

Timothy M. Hogan
 ARIZONA CENTER FOR LAW IN THE
 PUBLIC INTEREST
 352 E. Camelback Rd., Suite 200
 Phoenix, AZ 85012
and
 Marta Darby
 EARTHJUSTICE
 633 17th Street, Suite 1600
 Denver, CO 80202
and
 David Bender
 EARTHJUSTICE
 1001 G Street, NW, Suite 1000
 Washington, D.C. 20001
 Attorneys for Vote Solar
mdarby@earthjustice.org
thogan@aclpi.org
briana@votesolar.org
dbender@earthjustice.org
Consented to Service by Email

Bob Miller
 Ralph Johnson
 Property Owners and Residents
 Association of Sun City West
 13815 W. Camino del Sol
 Sun City West, AZ 85375
bob.miller@porascw.org
rdjsw@gmail.com
Consented to Service by Email

Greg Patterson
 MUNGER CHADWICK
 5511 S. Jolly Roger Road
 Tempe, AZ 85283
 Attorney for Arizona Competitive Power
 Alliance
greg@azcpa.org
Consented to Service by Email

Court Rich
 Eric Hill
 ROSE LAW GROUP PC
 7144 E. Stetson Drive, Suite 300
 Scottsdale, AZ 85251
 Attorneys for Solar Energy Industries
 Association; Arizona Solar Energy Industries
 Association; Tesla, Inc.; and EVgo Services
 LLC
CRich@RoseLawGroup.com
ehill@roselawgroup.com
hslaughter@roselawgroup.com
Consented to Service by Email

Nicholas J. Enoch
LUBIN & ENOCH, P.C.
349 N. Fourth Avenue
Phoenix, AZ 85003
Attorney for Local Unions 387 and 769 of the
International Brotherhood of Electrical
Workers, AFL-CIO
nick@lubinandenoch.com
bruce@lubinandenoch.com
clara@lubinandenoch.com

Consented to Service by Email

Jason Y. Moyes
MOYES SELLERS & HENDRICKS LTD.
1850 N. Central Avenue, Suite 1100
Phoenix, AZ 85004
Attorney for Aguila Irrigation District,
Buckeye Water Conservation and Drainage
District, Electrical District Number Six of Pinal
County, Electrical District Number Seven of
Maricopa County, Electrical District Number
Eight of Maricopa County, Harquahala Valley
Power District, Maricopa County Municipal
Water Conservation District Number One,
McMullen Valley Water Conservation &
Drainage District, and Tonopah Irrigation
District

jasonmoyes@law-msh.com
jjw@krsaline.com
jim@harcuvar.com

Consented to Service by Email

Shelly A. Kaner
8831 W. Athens St.
Peoria, AZ 85382

Jonathan Jones
14324 N. 160th Drive
Surprise, AZ 85379
jones.2792@gmail.com

Consented to Service by Email

Karen S. White
AFIMSC/JAQ
139 Barnes Ave.
Tyndall AFB, FL 32403
and
Holly L. Buchanan
139 Barnes Dr., Suite 1
Tyndall AFB, FL 32403-5317
Attorneys for Federal Executive Agencies
Karen.White.13@us.af.mil
Holly.buchanan.1@us.af.mil
Consented to Service by Email

John S. Thornton
8008 N. Invergordon Rd.
Paradise Valley, AZ 85253
john@thorntonfinancial.org
Consented to Service by Email

Scott S. Wakefield
HIENTON CURRY, P.L.L.C.
5045 N. 12th St., Suite 110
Phoenix, AZ 85014
Attorneys for Walmart, Inc.
swakefield@hclawgroup.com
stephen.chriss@walmart.com
Consented to Service by Email

Kimberly A. Dutcher
NAVAJO NATION DEPARTMENT OF
JUSTICE
P.O. Box 2010
Window Rock, AZ 86515
and
Todd F. Kimbrough, Esq
HOLLAND & KNIGHT, LL
111 Congress Ave., Suite 540
Austin, TX 78701
Attorneys for the Navajo Nation
kdutcher@nndoj.org
aquinn@nndoj.org
todd.kimbrough@hklaw.com
Consented to Service by Email

1 Jason R. Mullis
2 WOOD SMITH BENNING & BERMAN LLP
2525 E. Camelback Rd., Suite 450
Phoenix, AZ 85016-4210

and

3 Gregory M. Adams
4 RICHARDSON ADAMS, PLLC
515 N. 27th St.
Boise, ID 83702
5 Attorneys for Calpine Energy Solutions, LLC
JMullis@wshblaw.com

6 greg@richardsonadams.com

7 greg.bass@calpinesolutions.com

Consented to Service by Email

8 Albert Acken
9 DICKINSON WRIGHT PLLC
1850 N. Central Ave., Suite 1400
Phoenix, AZ 85004
10 Attorneys for Constellation New Energy, Inc.
and Direct Energy Business, LLC
11 aacken@dickinson-wright.com

Consented to Service by Email

12 Giancarlo Estrada
13 KAMPER ESTRADA, LLP
3030 N. 3rd St., Suite 770
Phoenix, AZ 85012

and

15 Scott F. Dunbar
16 KEYES & FOX, LLP
1580 Lincoln, Ste. 880
Denver, CO 80203
17 Attorneys for ChargePoint, Inc.
gestrada@phxlaw.com

18 sdunbar@keyesfox.com

Consented to Service by Email

19 Garry D. Hays
20 LAW OFFICES OF GARRY D. HAYS, P.C.
2198 E. Camelback Road, Suite 230
Phoenix, AZ 85016
22 Attorney for Arizona Solar Deployment
Alliance

23 Ghays@lawgdh.com

Consented to Service by Email

Armando Nava
THE NAVA LAW FIRM, PLLC
1641 E. Osborn Rd., #8
Phoenix, AZ 85016

and

John B. Coffman
JOHN B. COFFMAN LLC
871 Tuxedo Blvd.
St. Louis, MO 63119
Attorneys for AARP

Filings@navalawaz.com

john@johncoffman.net

Consented to Service by Email

Thomas A. Harris
Distributed Energy Resource Association
5215 E. Orchid Lane
Paradise Valley, AZ 85253
Thomas.Harris@DERA-AZ.org

Consented to Service by Email

Melissa A. Parham
Scott A. Baluha
ZONA LAW GROUP P.C.
7701 E. Indian School Road, Suite J
Scottsdale, AZ 85251
Attorneys for Manufactured Housing
Communities of Arizona, Inc.

melissa@zona.law

scottb@zona.law

attorneys@zona.law

Consented to Service by Email

Fred Lomayesva
Amy Mignella
Office of General Counsel
HOPI TRIBE
P.O. Box 123

Kykotsmovi, AZ 86039

flomayesva@hopi.nsn.us

amignella@hopi.nsn.us

Consented to Email Service

Robin Mitchell, Director
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

LegalDiv@azcc.gov

utildivservicebyemail@azcc.gov

Consented to Service by Email